IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.319 OF 2005

Dhondiram Vitthal Shinde : Petitioner
V/s.
The Hon'ble Vice President (Pradhikaran) & Ors. : Respondents

...

Mrs.S.A. Dhamale for the petitioner.

None present for the respondents.

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**CORAM : DALVEER BHANDARI, C.J. &**
**S.A. BOBDE, J.**

DATE : FEBRUARY 8, 2005.

**P.C.**:

1. The petitioner, who has been dismissed from the post of Senior Clerk with MHADA, has challenged the order of suspension dated 23.8.1990 and the order of dismissal dated 23.9.2003.

2. While working as a Senior Clerk with MHADA, the petitioner was charged as follows:-

For the period from August 1983 to June 1988, he was charged with having misappropriated Rs.13,464/-. For another

period from June 1988 to the date of his suspension, he was charged with having misappropriated Rs.3,53,248.50 and Rs.1,02,894/-. He was, therefore, charged with having misappropriated funds and for lack of integrity and honesty. The *modus operandi* he is said to have adopted was that of falsely showing that he has paid the amount collected on behalf of MHADA into Bank of Maharashtra. For that purpose, he appears to have fabricated and used duplicate rubber-stamps of the Bank to show that the money has been paid into the Bank.

3. The Inquiry Officer found the petitioner guilty of all the charges. In particular, the Inquiry Officer referred to the petitioner's own admission made in the letters dated 18.11.1996 and 4.9.1997 to the effect that he had misappropriated the funds of MHADA. In view of his admission and taking into account the fact that the charges have even otherwise been proved, the Inquiry Officer recommended the petitioner's dismissal from service. He was, accordingly, dismissed from service with effect from 23.9.2003. His appeal against the dismissal order was also

dismissed by the Competent Authority.

4. Having heard the learned counsel for the petitioner and having perused the inquiry report and the appellate order, we find no reason whatsoever to interfere with the petitioner's suspension or dismissal, particularly having regard to the petitioner's admission regarding misappropriation made on two occasions. The petition being devoid of any merit is, accordingly, dismissed.

**Sd/-**

CHIEF JUSTICE

Sd/-

S.A. BOBDE, J.